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Attorneys for Defendant
O'REILLY AUTO ENTERPRISES, LLC

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

KIA DAVIDSON, individually, and
on behalf of other members of the
general public similarly situated,

Plaintiff,

vs.

O'REILLY AUTO ENTERPRISES,
LLC, a Delaware corporation;
O'REILLY AUTO PARTS, a
business entity of unknown form;
CSK AUTO, INC., an Arizona
corporation; CSK AUTO PARTS, a
business entity of unknown form,

Defendants.

Case No.: 5:17-cv-00603-RGK (AJWx)

Hon. R. Gary Klausner
Hon. Andrew J. Wistrich

**STIPULATION FOR ENTRY OF
JUDGMENT**

TO THE COURT AND ALL PARTIES:

Plaintiff Kia Davidson (“Plaintiff”) and Defendant O’Reilly Auto Enterprises, LLC (“Defendant”, together the “Parties”) have completed a settlement agreement wherein Plaintiff agrees to entry of judgment to be entered as follows:

- A. The Court shall dismiss *with prejudice* and enter judgment on Plaintiff’s Third Cause of Action under the Private Attorneys General Act, California Labor Code sections 2698 *et seq.*, in favor of Defendant and against Plaintiff;
- B. The Court shall dismiss *with prejudice* the class claims alleged in Plaintiff’s Second Amended Complaint as follows: (1) First Cause of Action for Failure to Provide Rest Periods under California Labor Code sections 226.7 and 1198; (2) Second Cause of Action for Non-Compliant Wage Statements and Failure to Maintain Payroll Records under California Labor Code sections 226(a), 1174(d), and 1198; (3) Fourth Cause of Action for Unlawful Business Practices under California Business & Professions Code sections 17200, *et seq.*; and (4) Fifth Cause of Action for Unfair Business Practices under California Business & Professions Code sections 17200 *et seq.*;
- C. The Court shall dismiss *with prejudice* and enter judgment on the claims alleged on an individual basis by Plaintiff in her Second Amended Complaint, pursuant to the Parties’ Confidential Settlement Agreement, and expressly subject to a preservation of Plaintiff’s rights to appeal the Court’s denial of class certification (Dkt. No. 61) and ruling on motion for summary judgment (Dkt. No. 78). Each Party shall bear its own attorneys’ fees and costs in the trial court and on appeal.

The Parties further agree that this Stipulation for Entry of Judgment fully

1 and finally adjudicates all causes of action asserted in this case, such that the
2 case will have been fully and finally adjudicated upon entry of the [Proposed]
3 Judgment.

4 Accordingly, the Parties hereby stipulate to and jointly request through
5 their designated counsel that this Court immediately enter the [Proposed]
6 Judgment attached hereto as Exhibit A, and lodged concurrently with this
7 stipulation.

8 **IT IS SO STIPULATED.**

9
10 Dated: July 30, 2018

Capstone Law APC

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12 By: 

Melissa Grant
Robert J. Drexler
Jonathan Lee

13
14 Attorneys for Plaintiff Kia Davidson

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16 Dated: July 30, 2018

Higgs Fletcher & Mack LLP

17
18 By: /s/ Jason C. Ross

James M. Peterson
Jason C. Ross
Kyle W. Nageotte

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21 Attorneys for Defendant O'Reilly Auto
Enterprises, LLC
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Exhibit A

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

KIA DAVIDSON, individually, and
on behalf of other members of the
general public similarly situated,

Plaintiff,

vs.

O'REILLY AUTO ENTERPRISES,
LLC, a Delaware corporation;
O'REILLY AUTO PARTS, a
business entity of unknown form;
CSK AUTO, INC., an Arizona
corporation; CSK AUTO PARTS, a
business entity of unknown form,

Defendants.

Case No.: 5:17-cv-00603-RGK (AJWx)

Hon. R. Gary Klausner
Hon. Andrew J. Wistrich

[PROPOSED] JUDGMENT

JUDGMENT

Pursuant to the Plaintiff Kia Davidson's ("Plaintiff") and Defendant O'Reilly Auto Enterprises, LLC's ("Defendant") Stipulation for Entry of Judgment, the Court **HEREBY ENTERS JUDGMENT** as follows:

- A. The Court hereby dismisses *with prejudice* and enters judgment on Plaintiff's Third Cause of Action under the Private Attorneys General Act, California Labor Code sections 2698 *et seq.*, in favor of Defendant and against Plaintiff;
- B. The Court hereby dismisses *with prejudice* the class claims alleged in Plaintiff's Second Amended Complaint as follows: (1) First Cause of Action for Failure to Provide Rest Periods under California Labor Code sections 226.7 and 1198; (2) Second Cause of Action for Non-Compliant Wage Statements and Failure to Maintain Payroll Records under California Labor Code sections 226(a), 1174(d), and 1198; (3) Fourth Cause of Action for Unlawful Business Practices under California Business & Professions Code sections 17200, *et seq.*; and (4) Fifth Cause of Action for Unfair Business Practices under California Business & Professions Code sections 17200 *et seq.*;
- C. The Court hereby dismisses *with prejudice* and enters judgment on the claims alleged on an individual basis by Plaintiff in her Second Amended Complaint, pursuant to the Parties' Confidential Settlement Agreement, and expressly subject to a preservation of Plaintiff's rights to appeal the Court's denial of class certification (Dkt. No. 61) and ruling on motion for summary judgment (Dkt. No. 78). Each Party shall bear its own attorneys' fees and costs in the trial court and on appeal.

As all claims have been finally adjudicated or settled, this case is fully and

1 finally adjudicated and **FINAL JUDGMENT** is hereby ENTERED.

2 **IT IS SO ORDERED.**

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4 Dated: _____

5 Hon. R. Gary Klausner
6 United States District Court Judge
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